

The Leesburg Planning Commission met in regular session on Thursday October 5, 2000, at 7:00 pm in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Members present for this meeting were: Anne Marie Eaton, Kristie Lalire, Brian Boucher and Lee Phillips.

Minutes

There were no minutes.

Petioners

Steven Chinh, is with CWC Investments, 39 Fort Evans Rd, NE. He spoke about the special exception application before the Commission concerning Royal Self Storage. His property is surrounded on three sides of subject application and Mr. Chinh has taken a look at the concept plan which was submitted. Mr. Chinh supports the development and that part of town has been waiting for development for quite a while. It is good use for the property. It will help in real estate values and tax base for the town. He has two concerns about this development:

1. The increased buffer yards as required by the zoning laws are split between the adjacent two lots. On their plan they have set back 20 feet from their commercial area on the same property. When it gets to Mr. Chinh's property, shown in the middle of CWC Investments. It is shown as twelve and one-half feet. Mr. Chinh's concern is that because it is a special exception use, Mr. Chinh is being penalized because of their use where he would normally have a five foot buffer yard requirement. He is not required to have twelve and a half feet. His lot is small and seven and a half feet has a significant impact on his property. Mr. Chinh asked that consideration for twenty feet be required on their side and five feet on Mr. Chinh's side, which is item one in his letter to the Commission.
2. A concept plan was submitted to the town for discussion purposes because he is considering redeveloping his property. He is considering rebuilding it and putting in new parking. In Mr. Chinh's conversations with the staff, he was told that he should put the proposed new driveway for the redevelopment right in the middle of his lot because of the proximity of other driveways in the area. Mr. Chinh's concern is that he can understand that subject's properties' Eastern driveway aligning with Hunter's Crossing - the crossroad makes sense from a traffic standpoint. In accordance with the zoning ordinance and the DCSM they are only supposed to have one driveway per street frontage. They have two driveways. What would help Mr. Chinh is if they moved their western driveway to their western boundary which would allow Mr. Chinh to move his driveway so it is

3. offset to one side of his lot which would aide in parking and development of his site. Mr. Chinh's driveway is currently on their property. He obtained and was granted, a new adverse impact statement for relocating his driveway. It is currently being relocated to the eastern side of his property.

(Man) asked if anyone else wanted to speak who had not signed up as a petitioner?

Councilmanic Report

Commissioner Umstattd said the issue the Planning Commission sent forward on private parking courts did pass Council.

This afternoon there was a meeting between several members of the Loudoun County Board of Supervisors and the Town Council on divisions of the County and Town for the Urban Growth area. Following is a summation of that meeting: It appeared to the County that the Town Council would be willing to give up the southwestern section of the urban growth area along with the most northern section part of which is the O'Connor tract. Both bodies would like to see green space preserved along the riverfront. The Town Council as a body strongly wants the County to do what it can to make sure Cross Trails Blvd is built and completed and that part of the Urban Growth area between the Greenway on the west and Rt 7 on the north go to non-residential development. The County urged such growth take place at an incremental pace rather than a very rapid pace. It was a very useful meeting. A lot of good issues were raised on both sides.

Public Hearing

Gus Glikas said he wanted to read something. He serves as Chairman of the Commission. For the information of citizens who have not attended our meetings in the past, the Planning Commission meets at 7:00 p.m. on the first and third Thursday of every month. The agendas are available at the Town office and at the meetings. The protocol for speaking to the Commission is for you to address all questions to the Chairman. The Planning Commission listens to all the questions. We encourage and appreciate citizen interest in our meetings and record for the public hearing will be kept open for ten days.

Public hearing – this will be combining the ZOAM OO7 zoning ordinance amendment and the zoning district and ZM2000-04 match map attachment to expansion the H1 overlay district of Zaria. (?)

Mr Chairman and members of the Commission, that's right, this is listed as two separate items but I will talk about it all together. What I'm going to do is as I going through this and this is my introduction to this technology try to at least show you some of the houses we are talking about here. Basically on August 8th Council adopted resolution that initiated zoning ordinance and zoning district map amendments to expand the H1 historic overlay district to include certain properties on South King St and Edwards Ferry Road. Specifically, this proposal seeks to include nine properties on the south end of the historic

district along South King St and two properties on the north side of Edwards Ferry Road and again I'm just going to flip through and you'll see all the ones denied on South King St and the two on Edwards Ferry. The old historic district was originally established in 1963 with a major expansion in 1990. The stated goal of the H1 district is to "carry-out the Town Plan goal of protecting the old and historic district and individual historic landmarks because of their contribution to the towns unique character to protect, enhance, perpetuate such building structures and landscape features which represent elements of the towns cultural, social, economic, political and architectural history to stabilize and improve property values foster civic pride in the towns past and to promote the use of historic districts and historic resources for the education, pleasure and welfare of the people of the town." To accomplish these goals, the ordinance established architectural and demolition controls to be administered by a board of architectural review we call the BAR. The H1 district stipulates that the BAR must issue a historic district zoning permit before a building or structure can be altered in any of the following ways:

- (1) Change in exterior appearance. That doesn't mean paint color.
- (2) Demolition
- (3) Removal to a new location
- (4) New construction

Permit applications are considered by the BAR at monthly meetings. Properties inside the district are protected from demolition and incompatible development thus maintaining the historic character of these neighborhoods. Historic overlay district does not change the base or underlying zoning district of any property. The H1 is architectural overlay zone only. Density, setbacks and other zoning requirements are not effected. For example, all these properties are zoned R6, we're not changing the R6 zoning designation. The fact that duplexes are allowed, the fact that the single family attach rate 3,000 square feet per lot, none of that changes. This is really just looking at the architecture and giving some control over what's built on the property. Now most of the existing H1 district is included in the Town's national registered district which brings not only distinction to the properties but eligibility for tax credits for rehabilitation of historic buildings. Other words you can get some tax relief if you actually put money into maintaining these structures. A certified local government grant ordered(?) to the town provides for revising the national register form and to place all properties in the local historic district on the national registered district including the properties in this proposal should this proposal be adopted and that would have the effect that these properties would be eligible for these federal tax credits. Now to identify the appropriate boundaries of the historic district, the town conducted an architectural survey to provide historical and descriptive information on existing buildings. As a result of the survey, which was completed originally in 1975 staff recommended an expansion of the historic along South King St, West Market St and Edwards Ferry Road. In 1990, the historic district was expanded but generally not to the degree of the original recommendation. On South King St for example, instead of extending the district to the commercial section which is Safeway as your heading south and there's a used car dealership on the other side. Instead of bringing it to that it stops before 415 South King St on the west side and before 428 South King St on the east side. This change in the original recommendation

resulted in the irregular boundary delineating the historic district on South King St. Unfortunately, due to an illness of one of our technological guys, I don't have a map to pop up here to show you all this. It's in your packet, but you can see how it kind of on the east side there are houses in the historic district and then directly across the street from the west side the houses are not. On the east side of the district the expansion proposal includes all of the properties on the north side of Edwards Ferry Road from the historic district line to Woodberry Street so that's if you go that on Edwards Ferry Road originally planning to go all the way to Woodberry St but that also is not included in the 1990 expansion. This proposed expansion, and I'll talk a little procedurally why were recommended these particular lots. Prior to adding and building the H1 district the building survey form is completed to determine whether the designation is appropriate. Building survey forms for all the properties proposed for inclusion were completed during the 1998/1999 grant building survey. The surveys indicate that all the properties proposed for inclusion have been deemed architecturally and historically contributing to the district and therefore are eligible for placement in the old historic district under the terms of the H1 zoning requirements. Section 5A-8 designation of historic districts and landmarks. This section states that a property may be included in the district if it has significant character, interest or value as part of the towns development for heritage. As part of this rezoning process a survey was sent to the individual property owners to solicit their opinions. Of the eleven surveys sent, four returned marked in favor of inclusion; two were marked against; three had no opinion expressed and two we never received or were returned.

Now actually I want to say something about the town plan and what it says about our historic districts. The historic preservation urban design element of the 1997 town plan recognizes that "The preservation of Leesburg's historic character as represented in its 18th, 19th and early 20th century grid layout, architecture and public settings is vitally important to the community. The goal of preservation of Leesburg is both to protect it's designated historic district and to continue to identify districts, landmarks and other significant places outside the old historic district that deserve protection." Staff believes by including these areas omitted in 1990 to the H1 district the goals of the town plan are honored. Again, these are on South King St. Here are three of the houses. The house by the three that is just out of the picture on the left that's actually in the historic district, so that's really the end. The extreme left is the end and everything that you see to the right of that big tree we're seeking to include. Now this is also just going a little bit farther down 430 and 432. 432 is the last house we are seeking to include on the east side and just beyond it is the used car dealership. Now on the other side of the road if your heading north and just passed the Safeway, that's the first building you see. That's another one that is subject of this proposal and also these are two of the houses beyond it just as your heading north up the street and unfortunately I missed a picture of one in between there, but these are the last two that were seeking to include. The one on the far right was of course owned by Paul Clemens for many many years and the one dead ahead of you was by Elizabeth Coles (?) who also lived in town for many many years. Going over to Edwards Ferry, this is one of the houses, this is on the north side of Edwards Ferry Road or as if your heading up the road towards Woodberry it would be on your left. It's the first one outside of the current district and the house next to it just beyond it, Miss

Rogers place now owned by the McCarthys. So, that's the last one we are seeking to include with this proposal. I am here to answer any questions and so is Kristie Lalire who is the preservation planner and she has greater familiarity than anybody with the processes of the BAR and history of the BAR. This is the close of my presentation and I will try to answer any questions that you may have.

(man) Do you have anything to ask staff about this particular application.

(woman) I don't think so, its going to come up in a little while.

(man) What I usually do is open it up to ask staff the questions and ask the applicant (in this case staff is the applicant) and then we'll listen to the comments and then we.....

(Woman) Brian, these houses are protected from demolition and from having properties like them built as the current zoning would allow. Correct?

(Brian) Basically in any of these lots you can go today and demolish the house. Simply get a zoning permit you can take the house down. There is no architectural protection. So, then you could build (this is R6 zoning) new dwellings that don't have to pass any particular type of style criteria. They could look, however the way the owner desired them to look without passing before any board.

(Woman) And would this, the houses have a very hard time of being demolished?

(Brian) With this they have to come before the Board of Architectural Review and request that the home be demolished and houses are rated based on their importance. I would say that it's difficult. Kristie could speak to it more.

(Woman) I mean are all these houses you said are contributory in nature towards the fabric of the historic district. Correct?

(Kristie) That is correct. When we surveyed the old and historic district which has just been completed all these houses have been designated as historic, so they are considered contributing. If it came to the Board of Architectural Review it would be very difficult since they are contributing buildings to permit their demolition. There is a whole state code element in the preservation ordinance that says that they have to go on the market at reasonable price for a certain period of time. If its denied by the Board of Architectural Review and the Town Council it goes through the whole process and then it would come back to the Town. So, it's a lengthy process.

(Woman) The zoning, you said the underlying zoning stays the same whether its R6 or RHD, whatever it may be (Brian says that's correct), so this doesn't affect the density that someone could build, it simply affects the architectural control of what they may build. (Brian says right). Would you say that the value of property is more in the zoning of the property? I mean, if someone were to place value on – would this be a hindrance or value?

(Brian) It depends on the question and Kristie is pretty knowledgeable about this, but there are a number of publications and studies that have been done in towns that have historic districts in the commonwealth that all seem to indicate that actually being placed in a historic district for residential or commercial properties is an economic advantage. Your property values go up and least as far as their sale price and how their valued and taxed by the local community.

(Kristie) Also, if your in a historic district you have certain assurances that there will be stability because the whole purpose is to protect and preserve the buildings within the old historic district. Not only is their a value attached to the historic designation itself because quite frankly, there are finite number of historic buildings, so that makes that designation itself important, but then people have assurances that the neighborhood is protected.

(Woman) I heard you say that the National Register of Historic Places which you would do at the same time as this is the vehicle which enables then people to have access to low money low cost tax advantages, etc. Is that right? Is that the part?

(Kristie) It would be tax credits. What we are working on sort of concurrently with this process, we got money from the State of Virginia to expand the old and historic district and really rewrite the whole nomination. It was done in 1963. The whole process has changed since then and also value judgments about buildings have changed from a historian's point of view as well as everybody elses. So, we would rewrite the form and include all these properties as well as properties that are currently in the old and historic district that are not in the National Register District so we can offer then tax credits. Tax credits are available to residential uses as 25% of the renovation cost and that's given by the State of Virginia. If its commercial use, they get not only 25% from the State but 25% from the federal government.

(Man) Mr. Chairman I have no questions. I just want to thank Brian for a concise report and Kristie its good to have you here. Thanks an awful lot.

(Woman) Brian, I think you had said that you got back 4 responses South King St that said yes but the written staff report says there was only one yes and there were three failed to answer or no opinion.

(Brian) Oops, then that's a mistake.

(Kristie) Excuse me, I'm passing out a map. We did a map that makes it a little more clear because actually they day after we sent out the report we got back another survey form. So, I think the map is a little more accurate. I don't know what went out on the report that went out to you.

(Woman) One question I have on the tax credit program. That's federal taxes. We don't offer a local property tax credit.

(Brian) No, we don't

(Kristie) Actually, it was discussed some years ago. And then there was a down turn in the economy and it never got picked up again. I think that the tax credits are really a way of providing not only an incentive but some sort of repayment for people who maintain their houses at the standards that they have to in order to be in the old historic district.

(Woman) I know at this point that even with a federal tax credit being in the historic district and being subject to BAR regulations is financially burdensome. I remember Mr. Higgin's who is within the historic district had to appeal to the Council BAR ruling that he had to put a more expensive type of siding on his house. One of these houses I think 417 is Elizabeth Coles house and her husband, English had been on the Town Council a number of years ago. But, when I look at what the impact of this would do to someone like Elizabeth Cole I think she would be forced out of her house. She is a widow. She doesn't have that much income and she has renovated the property to allow her to take in borders. The way I see this, she would not be permitted to do that and I don't know that she could afford to live there anymore. So, I think we have to take that kind of consideration into when we are looking at this.

(Larry) I wanted to clear up some confusion on my part. When I originally read this summary I was under the impression that the latest survey was conducted in 1975 and that then there was a recommendation made for expansion in 90 and now we are having a subsequent recommendation still based on the 75 survey. I see further on there is a reference here to CLG grant 98 99 for building surveys were done. So did the building surveys supercede the 1975 survey?

(Kristie) The reason we resurveyed the buildings in 1999 is because the information from the 75 survey was completed antiquated. Things had occurred to buildings over 20 years and the information is the nature of collection of information on historic buildings had changed in 20 years and also the National Register in the State of Virginia were encouraging local jurisdictions to computerize everything. They had a system myself and another person from the BAR went down to a class that was given for free in Richmond about this called Integrated Preservation Software where you collect all the information and you computerize it. So that was basically the reasoning for redoing the building survey, but the recommendation of the 1975 survey still stood because it acknowledged that the buildings were contributory even though they had not actually collected the information at that time. I think it wasn't collected until 1988 but then we went back in 1990 or 1999 and resurveyed and that was one of the reasons because there were so many omissions with the 1975 survey including West Market St and other places. We went back and did a much more comprehensive survey, it was more thoroughly done and then it was computerized.

(Man) On this handout you just delivered, this covers the opinion survey for South King St. What were the opinion survey results on Edwards Ferry Road?

(Kristie) The people who own Nancy Rogers estate are in favor of having their house included in the old historic district and also in the National Register District. We're doing that concurrently for them because they want to take advantage of the tax credits for the renovation of their building. For 216 we received a response that said they would like more information and I sent them a letter. 216 is just west of 226. There are two buildings in that area.

(Man) I notice that it states that not all the buildings are in the National Register. What distinguishes the building being in the National Register as opposed to being merely in the historic district?

(Kristie) If its in the local district it really should be in the National Register District. That's what we're trying to do with the CLG grant that we've just gotten to sort of correct that circumstance.

(Man) But, the qualifications are the same?

(Kristie) Yes, as a matter of fact, oh, I see your point. Because we are a certified local government, our standards have to meet State and Federal standards. So, all the standards are the same technically. We use the Secretary of the Interior's standards for rehabilitation as guidelines. As a matter of fact, those standards are noted in the preservation ordinance. So, we are more or less on the same page.

(Man) In this instance, what are the attributes from your 1999 survey that confirm or make these houses attractive to be in the district? I understand the general concepts that they add value and continuity, but could you be a little more specific?

(Kristie) OK. Your talking about the date of construction. Both houses not only contribute in terms of their architecture. They're both unique. The period when they were constructed, but they also contribute to the streetscape. There is sort of a planning development urban design view of it where you take a collection of buildings and as a collection they contribute to the fabric of the town and also sort of reflect the development of the town through time. Then you can look at buildings individually and I could say the Nancy Rogers estate is a very unique building. It is a colonial revival building built around the turn of the century and its probably like West Market St one of the few buildings that retains its original setting. I think that's one of the reasons for putting it in the historic district and that is probably the reason for putting the other buildings on South King St – it's the buildings themselves-they are unique. They speak to the development of the town through time and also their setting. If you were to demolish those buildings and replace them with duplexes, it would really erode the character of the neighborhood and I think very detrimental to the property values and the other properties on that street. I think you have to weigh, there is a balance between the cost to the individual and the cost to the community as a whole and these two things you have to balance and it is difficult.

(Man) When the survey was done in 75 obviously the recommendation was to have them included at that time and that didn't occur and I guess again in 90. What was the reason for their exclusion at that time despite the recommendation?

(Brian) Opinion surveys. If people did not want to be in it that was basically it. I think the break came because some of the properties involved here at the interest of the time didn't want to be in it. That appears to be from the record the reasons for excluding certain areas that were excluded.

(Woman) I want to say Kristie and Brian this is a great report. Thank you. I appreciate all the information and now I know what Graves new map of Leesburg from 1978 is. I do have a couple questions. On the sheet you passed out where it said no opinion, does it mean that they did not respond or they sent the card and did not have an opinion as to whether they were included?

(Brian) That's what that means. They actually did respond they just didn't mark yes or no, they were in favor for or against.

(Kristie) Or they stated that they wanted more information and we provided more information and they never re-contacted us.

(Woman) I think that is probably my concern is that I want to make sure that all of the homeowners had as much information as possible to know how this is going to impact their property and of course I believe it is in a positive way but they may not see it the same way. The other question I have is because usually historic districts are contiguous, if for example 417 did not want to be included can they be exempted or does it have to be, actually there already in it aren't they?

(Kristie/Brian) 417 isn't

(Brian) I would have to put that to the town attorney, but I think that there might be an issue there. I think that might be why you have the district houses that are – you don't find any down town that were excluded. I do know that when they created the district even down town there were some owners who didn't want to belong but I think for purposes of a defensibility, I think of the district, you need to be fairly uniform and I think excepting individuals might be difficult to do. I will talk to the Town Attorney about that and get an opinion.

(Woman) What I think makes this extremely difficult as I think Kristen is correct we want to make sure that we don't force a hardship on someone unnecessarily due to this rezoning as much as we would like to have this district expanded. So, I have some concerns about that. Otherwise, I definitely would like to see it expanded.

(Man) I have a question. At what point does it become a hardship for these individuals? Suppose they did no improvements whatsoever.

(Kristie) If they did no improvements, there would be no hardship. The regulations are only over the exterior of the buildings and its only if you decide to build an addition. We have a maintenance clause in the old and historic district ordinance so that existing conditions continue. It's only if you add something different or new that it sort of kicks into effect so if somebody wants to put on an addition then they would come through the BAR and obviously if they have enough money to build an addition then they should be able to meet the standards I would think.

(Brian) Another point that needs to be made is when you come in if houses that come into the district whenever they come and there are obviously there are certain things that may not meet the criteria of the district. You can not retroactively force people to remove those. So, if somebody has an addition that we might say well it doesn't meet the spirit of the original house this doesn't give anyone the authority to say that you have to remove that.

(Man) This would be grand fathered then?

(Brian) That's correct.

(Man) I want to make sure that this was clear. I felt this way from being on the BAR and I just didn't know if there were any other added expenses. So, if you own a home and you do no improvements then its really not a hardship, but if you do improvements you have to follow the guidelines.

(Brian) Correct.

(Man) As long as you have to paint, you just paint the color it needs to meet the criteria and if you replace a stick of wood, you replace it with the same that was there.

(Man) That was pretty well my question. As things went around I got mighty confused with the idea of increased cost of maintenance. Ms. Umstaad mentioned a resident has borders. Correct me if you will but that's a zoning issue and would not in any way be affected by this am I correct?

(Woman) No Dave, its not a zoning issue. She had to expand the house. She had to put an addition on the house to allow her to rent out more space.

(Man) But if that indeed is grand fathered

(Woman) That would be, but if she had been in the historic district already she probably would have had to move out of the house.

(Man) I think I have an answer here that might solve.

(Brian) Again, just to emphasize that we cover additions but not whats been done up to this time. It's not a retroactive ordinance. The powers of the BAR to go and when your

looking to build somewhere to tell you to change other things on the building are extremely limited. I think that's the type of thing that if somebody thought it more was being asked they would appeal to the Council. Because, they do have that right and obviously if the Council thought that in a particular case that the BAR was overreaching under the particular circumstances the individual has a right to appeal it to the Council and then a decision can be made there that would actually overrule the BAR.

(Man) I thank you for the clarification and patience.

(Larry) I just want to clarify what street addresses we are dealing with on the east side of South King St because in my written material and on this sheet here, it looks like 428, 430 and 432 and I see up there 426, 428 and 430.

(Kristie) It's not 426. 426 is already in.

(Woman) I just want to make sure that one thing was clear and I can be correct about this, if the house is in the historic district and subsequently on the National Register, if they do interior renovations without adding an addition, they would be subject to specific criteria. Is that not correct.

(Kristie) No, not interior, unless they want to go for a tax credit and the State....but that has nothing to do with us. If they want to do interior changes they get a zoning permit and a building permit.

(Man) I would like to add something. I've served on the BAR and have to tell you that at times it can be very stressful and very tough to understand the direction that it takes and how things happen, but on the other side of it, once its resolved it has a very good effect and sound effect on the town and how it appears in our visitors eyes. I think the BAR is doing a grand job, it's a tough job, the guidelines are probably more difficult to understand than zoning or some other issues, but you know I have to say that what they do is right for the town. I've been through some other areas and the effects here are – I like the town of Leesburg and what they've done as far as BAR maintaining what they already have.

(Woman) Brian, in the new draft zoning ordinance there is a section on maintenance requirements in the historic district which we've discussed briefly in the past. To me having read through that section once it looked like we were going to impose additional maintenance requirements on people who are in the historic district, but if you could advise me on that if you think that is wrong or are we simply continuing the existing language.

(Brian) I'll tell you this, the existing language is actually pretty generous to the individual property owner whether it be a business or residential in the historic district. Frankly you almost have to be not be keeping the structure wind and water tight and even if that's the case then it has to be brought to the attention of the BAR and the BAR

basically has to certify to this and then we can through a process that is appealable by the property owner, would ask them, say they were in violation of the H1 district ordinance requirements and they have to do basic maintenance. We haven't proposed anything too specific yet, but it's the type of thing that is very loose. And I'll tell you one other thing, the reason I think that's in there to keep things wind and water tight there have been demolitions in the historic district and the BAR has approved demolitions before and in most cases its when a building was basically derelict that the cost of renovating the building was exorbitant compared to what you were going to have by the time you were finished, so they've allowed structures to be taken down and I think the reason we have a maintenance clause is to prevent that, so that property owners just don't abandon their responsibility to maintain their property and say later well now its too expensive to fix. So it does put the onus on zoning and the BAR to be somewhat zealous in trying at least to prevent those things.

(Woman) And one other question. When you talked to Mr. Donnelly about the previous legal question that came up could you also ask him in relation to that is there any possibility of if the district were expanded of giving people who currently live there if they want to live there for the rest of their life the ability not to fall under those BAR requirements so that someone could continue to live in her house until her death without having to meet the more rigid standards of the BAR and that is it possible upon someone's death then those requirements might kick in.

(Man) OK, we will go ahead and open it up to our petitioners and if you haven't signed up and wish to speak let me know after everyone has already signed off.

(Woman) Debra Welch

Mr. Chairman, ladies and gentleman of the Planning Commission, my name is Debbie Welch, I'm an attorney here in Leesburg for those of you who don't remember. I'm here tonight representing Mr. and Mrs. Campbell. They are the owners of 430 South King St., and I am here tonight on their behalf to request not include their property within the H1 historic overlap district. They have owned this property for a number of years. It is income to own this property and any submission to the H1 district could potentially as Ms. Umstaad has so correctly indicated become another financial burden on them to have to attend meetings such as this and have their representative here, although I must indicate that their representative and they in fact get a discounted rate (very discounted) however it does involve time and it can be an expensive process having been the town attorney for 15 years, I am certainly familiar with that process, know how many meetings it involves when you have applications before the BAR and what that appeal process can involve. Its not only for that reason but that's certainly a compelling reason to Mr. and Mrs. Campbell that they would be subjected to additional reviews and additional expenses associated with any improvements or alterations that they may want to make to that particular property. I would submit to you that its not just new construction that would need to come before the BAR for review. If you look at the specific section and if you look at section 5A-4 paragraph 1, no building or structure within the historic district shall be altered in any of the following ways unless the historic zoning permit has been

issued by the Board of Architectural Review. And those are change in the exterior...TAPE Changeany new construction, reconstruction of existing walls and fences or construction of new walls and fences and signs. So, I submit to you that its not just new construction. Anything that you do to the exterior of that property would in fact subject to BAR review. While I understand the purpose in the BAR review and I understand the purpose in the historic district, I think that as stated in the existing ordinance and the purpose clause that's set forth there, one of the compelling reasons in that purpose clause is in fact to protect the historical value and the historical character of the town. I submit to you that the property at 430 South King St does not have a lot of historical significance and I would beg to differ with the survey that's been done on that, both the 1975 survey and the new survey in 1998/1999. The property has vinyl siding on it, it has storm windows on it. There is not a lot of historical significance that building at this particular time. If it had been included, perhaps twenty years ago, it may have had more historical significance but there is not anything historically significant about it at this time. Improvements that have been made to that property along the years that Mr. and Mrs. Campbell have even owned that property have altered what the appearance of that building looked years ago. The historic significance I submit to you is not there for that particular building. I would also submit to you that Mr. and Mrs. Campbell are not interested in having their property a part of the National Register. It appears as though the intent is that any properties that are in fact included within the H1 historic district would also become a part of the National Register and they are not interested in that and the further complications for any inclusion for within that provision. I would state that what Brian, Mr. Boucher brought up, the proposed expansion and what you have to meet in order to be included with this and it says this section states the property may be included in the district if it has significant character, interest or value as part of the town's development or heritage and as I've submitted to you this particular property does not have that character. With respect to Ms. Umstaad's question about perhaps being able to maintain a property not subject to BAR review if the owner continues to live there, I would submit that even though Mr. and Mrs. Campbell are absentee owners of this particular property, it certainly would be their desire ... that it is something can be done that their property not be included and that they not be subject to BAR review. As far as not being subject to it upon their death. I would just as soon it not be subject upon their death either, for various and obvious reasons to some of you. For those of you who it is not obvious, Mr. and Mrs. Campbell are my parents. I would submit and request then that in your consideration of this H1 expansion that 430 South King St not be included in that particular expansion. Thank you and I'll answer any questions that you may have.

(Man) Who's next.

(Woman-Anne Marie?) Leddy Mallory

(Man) Are you familiar how to use the timer:

(Woman) Yes

(Man) We'll try to stick to six minutes. We give our petitioners six minutes to speak.

(Woman) Thank you, I've never done this before, I'm just coming before you, my name is Leddy Mallory and I live at 423 South King St. Its one of the nine houses under consideration.

(Man) The Address again.

(Leddy) 423. You've really addressed most of the things I was going to say, so my primary purpose is to let you know that I very much in support of this overlay consideration and these are several of the reasons: The first concerns the heritage that is reflected. This is a unique stretch of homes. We are talking about a streetscape here as you come into town. These were homes that are tied in with the history of Leesburg as a whole. Some of us on the block have started researChinhg some of the history. We love our old homes. I've lived there since 1976 and you just get a sense of history as you live in the house. There were former mayors, town council members, Presbyterian minister, Baptist minister, service providers, the toll house, my house was built by the man who built the original Tuscarora Mill. All down the street you had people who were involved with community, so it's part of the history of Leesburg as a whole. Not every single piece of course, every piece of property has its own history, the families who lived there. In the Leesburg Today newspaper, I just skimmed through, they had a work session on including properties that may not want to be in things and they said if you have researched the reason you want to make changes in zoning even if over people who may not want it there's a lot of pictorial history, this is a turn of the century picture that has some of the streetscape. It really hasn't changed that much. With some of the history the home owners are doing we can document as well as your architectural reviews why this would be a good thing. And we are talking the entire streetscape. It would be very hard to have holes, I would think. The town planning documents Mr. Boucher read have been part of the history of the town planning to include this Georgetown neighborhood. Another reason is the appearance of the block. Under current zoning those homes not in the historic could be torn down to maximize the developability of their buy-right development under R6 capacity and there'd be no control over the appearance of any of this construction. I think concerning hardship, as you said, if someone could afford to put on an addition, following guidelines need not be that much more expensive. It's a matter of appearance and taste. He mentioned that there was opposition when the down town section was made a historic district, but the tourist industry is very vibrant now and I think as an industry goes tourism less costly, its one of the cleanest, best industries you can have and this streetscape is the southern entrance to the historic tourism draw, especially after the construction is finished. About 1990, someone from this state tourism, I lost the card, but they have a directory of properties that could be used in movies. I was contacted by Raimonde films to have a commercial filmed on my wrap around front porch for Giant Food. Nothing came of it, but I think a property on down the way appeared. This is bringing stuff into Leesburg, that's true history, appearance, tourism industry, what I didn't throw in was architectural. We have the stone foundations, wavy windows. I have a slate roof which is forever. The beams are huge that hold up this roof and like my husband points out, if you buy a two by four these

days, they do not measure two by four, in those days they did. Is that six minutes already?

(Man) You still have one more minute.

(Leddy) I'll make a quick comment concerning Elizabeth. She's a dear friend and a neighbor, and he answered my question which would have been what she has built out she will not have to tear down. Her boarders are there, they are in place, their paying their rent. I'm friends with my neighbors, there good people, but I'm not sure it will be that financial hardship if she is not required to tear down what she's already done. That's it. I love my old house and I thank you for an opportunity to speak. Thank you.

(Man) I know how difficult it is at times to get on that side of the microphone, but you did very well, thank you. Who's next.

(Woman-Anne Marie?) Mr. Jeff McCarthy

(Jeff) Thanks for the opportunity to address the Commission this evening. My wife and I would like to express our support for the item before the Commission regarding the extension of the historic district to include South King St in its entirety. When my wife and I purchased our home in South King St, we were specifically attracted to the home because of its location in Leesburg's historic district. We never even imagined nor considered the possibility that only part of the street was designated as being within the district. As with most old homebuyers, we understood the adventure we were about to undertake. We were willing to make the investments of time, sweat and money required to return our home to its original beauty. However, in doing so, we assumed our entire street was going to be preserved and maintained. That was the hook for us. It is currently reported that over ten thousand cars per day pass in front of our house. This is a clear detriment to our property values. However, when we bought, we assumed our street's location in the historic district would offset that devaluation and in fact would potentially increase our homes value. With the current situation, that assumption is in danger. Without extending the historic district there's no protection of our property values nor the investments we've made in our home's improvements. One specific issue I want to address has to do with the cost of owning a home within the historic district. I know the opponents to this extension claim that it will be a hardship and an unfair financial burden upon them. As I said, previously, I knew what I was getting into when I purchased my home. Is it expensive? Painfully so. Does being located within the historic district drive that expense? Not one bit. The BAR does not require me to make repairs. They don't come around and tell me my exterior paint looks like crap and my gutters are falling off. Believe me I know these things. They also don't tell me what color paint my front door, my fence, my shutters, but the BAR asked me to do is respect the historic nature of my house and replace things with like materials and in a like style. They asked be to do the exact things to protect the value of my home, my neighbor's homes in the historic nature of our neighborhood. Old homes are very expensive hobbies, but living within the historic district doesn't make it any more expensive or any less expensive. If it has to be fixed, it has to be fixed. In my experience, the historic district designation accomplishes several things: it forges a sense of community within

the neighborhood and provides a common sense of purpose and pride to the residence. It establishes and propagates historic feel and architecture of the town, emphasizing and protecting those things that make Leesburg unique. It protects the cultural history of our town and reviewing old photographs of Leesburg, its heartbreaking to see the number of architectural treasures that have been lost over the years, especially in the downtown area. It also protects the values of homes throughout the neighborhood as well as those homes located in the immediate vicinity. According to the Leesburg town plan, a consultant was retained in 1975 for a building survey and analysis of the town's old and historic district. As a result of that study, several recommendations were made for expansion of the district. Including extending the historic district for the entire length of South King St. The study identified South King St as being historically significant. That was over twenty-five years ago and we are still discussing it today. It was a correct idea in 1975 and it continues to be a correct thing to do even today. I submit to the Commission that it is time to act upon the recommendation.

(Man) Thank you very much. Could you give your name and address please?

Jeff McCarthy. I live at 416 South King Street.

(Woman-Anne Marie) Leanne Michael

Leanne Michael, I live at 216 Edwards Ferry Road. I was one who requested more information and then I got the information, read over it and I'm here to tell you I don't want to leave the historic district. I bought my house five years ago. Had some personal sentimental reason for purchasing it. I really don't think its that historic, I mean it was built in 1909. I really suspect that I'm getting drawn up into the house next to me which is a great house and I could see why that should be in the historic district, maybe, but I don't see my house as being anything other than the house that looks just like my grandmother's. I think there could be a financial hardship when I look through the things and you tell me about the plants and the type of siding and the types of replacement windows and all these things in an old house. I bought my house and want to improve it. I bought it in the spirit of the old house, but I don't particularly like the idea of another layer of bureaucracy telling me how to do stuff. I called specifically before I bought the house twice to verify it to make sure it was not in the historic district and I was told it wasn't, and I really don't want to be included into that. Maybe I'm naïve but I kind of think I could trust my neighbors to kind of keep the houses in the neighborhood the way they are. When you buy a house like that you buy it because you like the look and I intend to try to maintain that look, but I don't want someone telling me what I can and can't do. I don't think I'm going to do anything to destroy my neighbor's value. It'll hurt me. So, I would prefer not to be included and I hope you don't do it. Or that, what you were talking about, maybe, someday, I plan on living there forever, but if I move, then you can have it. Thank you.

(Man) Thank you.

(Man) Mr. Chairman, may I ask one question of _____. Regarding her house, I have a detailed map of residences on King street that are being included but I'm kind of confused when I get to Edwards Ferry. How many extra residences we're talking about.

(Man) Two residences.

(Man) Two residences, and Leanne is one of them and the other ...Hers is to the left of the Roger's house, so you have to include it if you include the.... Excellent. Thank you

(Man) Who's next.

(Woman-Anne Marie) There are no more.

(Man) Is there anyone else out there that wishes to speak who hasn't signed up? Yes sir. Could you just come up and give us your name and address.

I'm Jeff Cruise, I own the property at 303 and 305 South King St. Some of you may know the houses as they sit right on the curb at South King St. It can't be missed, they are next to the bike path. When I purchased these two little houses I really didn't know anything about the implication of being in the historic district other than it's considered prestigious. I wasn't buying these houses for prestige, I was buying them because they needed to be saved. I didn't know anything about Grey's new map of 1878. I didn't know about Minor's survey. I just didn't know any of these things. I knew I was in the historic district but, I didn't realize there were certain benefits and protections that came with that. Even before I moved to Leesburg back in 1986 I've been fascinated by the cute little brick house and the wonderful little gray and stone frame house right there next to the bike path. That's how I discovered these pieces of property when I used to ride from Reston out to Leesburg on the bike path. I always thought there kind of shabby but they would be wonderful for someone to come along spend a little time, a little money and renovate, restore. It would be a shame for something so cute to be lost to Leesburg. I wonder if there are many here who can appreciate how weird it is to find out 15 years later that you've become the person that's going to try to save and restore something like that. It's kind of an awakening. When I purchased this I didn't have much knowledge of the benefits of being in the historic or H1 zone. I was not aware at the time that actually they were protected from being demolished. I wasn't aware of that. I was afraid that somebody could come and arbitrarily knock it down and put up a new house. When I found out it couldn't be, I said cool. It was too late because I had already made the purchase. People say it costs more to be in the historic district because of your restoration. I bought my house intending to restore it to a more original look. No, your not going to walk into the house and think that you have stepped back to 1830. It's not going to look that way. But, I going to put back more of the original looking materials. Original looking roof. Original looking siding. Some siding has to go on there anyway. It's all going to cost pretty much the same. Just rather it looks like it belongs in the neighborhood. I know one of the reasons my neighbors purchased these houses is because they like living in the old setting. Our neighborhood is a neighborhood of old and in most instances well-maintained houses. Some of them have a great deal of

architectural value, some don't. Some of them have more historic value than others. But, as a whole, it is an entire neighborhood and I think that saving the last nine houses at the end of the residential section of King Street is something we should do at this point in time. It really should have been done in 1990, but fortunately, nothing bad came of that omission. I would hate to think that somewhere along the way those houses get omitted again and lo and behold we wind up with some kind of Y2K house on the street of houses from the 1890's. I mean, not very attractive, not very appealing to those of us who live there. My neighbors and I have come before the Planning Commission and Town Council before. We asked for underground utilities. We asked for old time light fixtures. We asked for these things because there going to make our properties look nicer. There also going to improve the entire presentation of the southern entrance to historic Leesburg. I think if we begin that historic district right at the edge of Safeway and don't let anything encroach any further, I think we're doing justice to the town. Thank you for letting me speak this evening.

(Man) Is there anyone else that wishes to speak? Please give us your name and address.

(Woman) Jean Herndon 431 South King St and 427 South King St. We keep our property up. We use these as our rental property and we do not wish to be in the zoning that your changing. I think everybody around us keeps property up. Everybody does this. We joined the Safeway, so your looking at two different countries right here. When you see the Safeway here and then you see our house, 431, and I think 427 probably built in 1940, 1945 in that era and I really don't think it has that much value to it. So, those are just our opinions. We do not want to participate. Thank you.

(Man) Thank you. Is there anyone else that wishes to speak? We have two more.

(Woman) Good evening, my name is Laurie McCarthy and my husband Drew is sitting back over here. Were the proud new owners of 226 Edwards Ferry Road. I didn't have any prepared comments but just wanted to communicate to you all, we're currently living interestingly enough in the historic district on 211 Andover Court in a new house. Oddly enough that our old house is not in the historic district which was sad to learn actually when we were interested in going for that property. I think not only should the two properties that are under consideration right now be part of the historic district but going up the street at least two blocks at least it definitely adds to the value of the properties, no doubt. Our property on Andover Court will sell because of it's location and so I just wanted to add that to your consideration and happy to be here.

(Man) Thank you. Sir.

Hello, my name is John Washco, represent my wife Kristin and I. Were very familiar with this podium. We just wanted to voice our approval of extending the historic district. There are several reasons. Number one is the historical significance of the Leesburg image in itself. This is not about single houses. Our neighbor's was built in 1953 and ours was 1810. So you have varying degrees of age there, but I think everything contributes to what Leddy said about this streetscape. This whole image when you come

into the town. I think it very important to the extend to what we have giving the rapid growth that's happening in this county. I'm very concerned that at some point some developer and see that these properties are not in the historic district and do what it takes to just demolish one of those houses and put up what they think is necessary. And, I would hate to see that happen given what we have there. On the other point concerning the BAR restrictions. We've personally gone through, we've built some brick columns in front of our driveway and in no way did that financially impact us to make that more expensive in order to do that. We had to go through the regular county and pull those permits and that type of thing but going forward with the BAR actually helped us because Kristie had given us samples of different mortars and that type of thing that would be a little more appealing to the history of the house, and so, in the long run it actually helped with the look and it was by no means a financial burden. I think your going to find that a lot, people need to maintain their houses and I don't think the restrictions are not that strict that there going to financially burden anybody in addition. Thank you for your time.

(Man) Excuse me, what was your address again?

(John) 308 South King Street

(Man) Anyone else? Ok with that I'll go ahead and close this public hearing. Wait a minute, let's not close just yet. Let me make sure we don't have any questions here.

(Woman) I just have one question for Kristie and that is "if a house is not in a designated historic district they can still apply to be on the National Historic Register.

(Kristie) They could. We might if people were interested do it just to provide the tax credits as an incentive for them to help them maintain their buildings.

(Woman) Thank you.

(Larry) I notice in the town plan it talks about an alternative being a conservation district. Is that also a viable option?

(Kristie) Conservation district is a different animal from the historic district. You have all the houses in this neighborhood have been given the historic designation and by the way, the people who provide these designations meet the qualifications for architectural historians of the federal register and they have this qualifications and they do this work because they can identify houses that are historic and because the house has vinyl siding on it doesn't make it less historic. It's covered with material that can be removed. It's reversible and you can take that house back and renovate it or restore it so that it reflects its original character.

(Larry) I guess the nature of my question is looking what the town plan states and maybe its more appropriate for Brian because it does state that this is something to be given

consideration. Is that still a valid representation in the Town Plan or are we saying no, we're beyond that and we should ignore that as an option?

(Brian) As a conservation district?

(Larry) Right

(Brian) There is some question as to what exactly is that because if you look in the town plan it says like the historic district. It's got to be something that going to have architectural control or it's pointless. I did not write the town plan and I am not sure what the distinction is but if you do look through there it does say like the historic district.

(Larry) I did read it, that's why I brought it up.

(Kristie) I can just add one more thing and that is the conservation district came up really in reference to neighborhoods that are east of the historic district, Prince St, Woodberry St. And a conservation district can be anything. What you need to do is identify those features of the neighborhood that you want to conserve and it can be anything. It could be the width of the roadway, it can be the fact that there are no sidewalks there which was the discussion that I heard at the Planning Commission level when this was going through and they were saying what is the mechanism for preserving neighborhoods that are not historic? The thing that came up was conservation district and that was really in reference to these other neighborhoods that would not qualify as being historic but that there were certain features of those neighborhoods that they wanted to identify and protect.

(Larry) Like I said, the only reason that I bring it up is because it's right here in the town plan that alternatives to historic district designations and it specifically says the area along South King St bordering the old historic district. I'm just trying to understand the complete picture and why we have that as a potential recommendation in the town plan. Maybe at some point and I don't mean to put anybody on the spot, but perhaps you can get back to me in more detail.

(Brian) I'm aware and I'll show you where it also says conservation...In the past when they did these surveys, they kind of ...If you go to Leesburg today you can tell pretty clearly when you go by Safeway the beginning of some old structures, where the old town begins. I think the conservation district as it isn't defined I think it leaves it somewhat open.

(Larry) It's a plan, it's a guide. It's not meant to set down every finite little detail but it talks about concepts and this is a concept addressed in there and I think it is fair to raise that question.

(Kennedy) One thing Mr. Chairman. Kristie you can help me with this more so than any other, we seem to be focused on the maps and everything primarily on King St and

having dealt with my friends on South King St for the last couple of months, they are a powerful bunch of people. I'm kind of confused on Edwards Ferry Road. We're talking about two properties. One of them is Ms Michael's property and the other is the Roger's property. Ms. Michael's clearly says she does not want. If the Roger's property went on the national register of historic places would it have the same tax benefits? We wouldn't be expanding the historic district skipping Leanne's house but we would in essence be having the same thing by having them on the national historic register. Is that a doable thing?

(Kristie) I think the McCarthy's also want to put their property in the local district because they want to preserve the building. See the regulation only comes at the local level not at the national level. You can be listed on the national register today and tear down your house tomorrow. It is just honorary. They provide tax credits as sort of an incentive to encourage people to preserve their buildings but in fact it doesn't always succeed that way.

(Kennedy) So, the only way we can include it so they get the tax benefits is to include Ms. Michael's house. Is that correct?

(Kristie) Our first choice would be, and really the original idea was to take it all the way to Woodberry Road and the reason we've only proposed these two buildings is because those are the only two properties we actually have the building survey forms on with the historic designation. Both properties are contributory to that neighborhood. I want a smaller, it's a vernacular building but its not less important in it's own right as a working mans sort of building. As the larger house just to the east of it. Both buildings contribute to the development and the culture and the history of Leesburg. I think that where we changed in our values was that we decided that the high style buildings were not the only style buildings we wanted to preserve. We wanted to preserve the entire fabric at all economic levels and all cultures and everything. Everything together that creates the community. So that's why both buildings are contributory.

(Kennedy) I think I understand your question, but I'm still not on board. We couldn't skip Miss Michael's house and include the other the necessary benefits, could we?

(Kristie) I guess you could if you wanted to. We could

(Brian) I think Miss Umstattd asked that question. I'm going to check with the town attorney because again if you start saying that the owner wants to put him in at the present time we'll put him in and this owner doesn't we skip him, I not sure that wouldn't be considered some sort of spot zoning. I need to check with the town attorney to check if that is the case.

(woman) I just want to clarify basically Drew and I were not even aware of the tax credit situation. I contacted Kristie to let her know that we were very interested in becoming part of the historic district as it stands and so the tax credit is sort of a benefit for us. We

may or may not qualify for them even but do believe it's important for the town, that's why we bought the property and why we love Leesburg.

(Woman) Kristie, I think it was you who brought up and you said it a little bit better than I can and I want to make sure Mrs Welch had talked about the changes made to Mr. and Mrs. Campbell's property therefore not making it historic and that things have been added over a period of time. As I understand it from you, those things don't not make it a property historic, they can be removed. The house can be restored if the future owner when he deems to sell his property or it changes hands can restore the home. These homes have all been surveyed by someone that you pointed out is a professional at this and as what they do for their living they stated that these homes are historic property. Is that correct?

(Kristie) The person meets the state and federal guidelines for professional qualifications. I should say that they survey was funded in part by the state of Virginia and they actually reviewed all the forms. They have an architectural historian and a senior architectural historian who reviewed all the forms and found the forms met the state and federal criteria for designation.

(Woman) So, there certainly more qualified at it than we are. I also want to point out for those of you who might not know and I want to be sure you can confirm this for me that the house at 428 is what's known as the toll house on the southern terminus of town and I believe Leddy Mallory held up a photo and that was a photo of the toll gate being up of that house. I just want to point out some of it's notable history locally to get in is important. Jeff McCarthy pointed out the cost more and I think he said it most succinctly and I was going to say it and thank you for saying it these houses cost more to maintain because their old not because they are in the historic district. It's simply because they are old. If it were an old house not in the historic district it would still cost more. They break. Things are old. There's not such a thing as a historic hot water heater vs a regular hot water heater it's just that it's going to break before it will in a new home. There are no interior improvements that come under this at all. This does not affect anyone. Correct? It's only exterior. The other thing I wanted to say and I'll say here I'm obviously in favor of this, the town has spent I think the Rustor (?) contract award was close to a million dollars, 948 thousand dollars, something like that before change orders to do this Georgetown neighborhood street improvement. I think the Town Counsel and everyone was committed to making this southern terminus to town be an attractive one. It's arguably the main entrance to town now but certainly the second entrance to town with the Greenway being completed and so forth and the route that their bringing tourists from, the outlet mall into town. We put all this money as a town into the street and into that streetscape and this dovetails with that and goes the extra step. The Town Council on their retreat on Saturday, one of their visions stated was to expand the historic district. I don't know what areas they were talking about, but this certainly would be one. The date of construction of homes is only one part of what makes them historic whether it's 1908, 1940 or 1830. The all contribute in the streetscape and for numerous reasons that Kristie has pointed out makes them historic. I don't think that I have anything else to say except that this has been a long long time coming apparently from the history. Even

according to the 1990 minutes where we tried and did do some homes, obviously we just didn't do six of them. At the Planning Commission and Town Council level, they were very much in favor of it then too. Thank you.

(Man) I'll go ahead and close this public hearing. I want to thank staff. It was very informative. Thank everyone for coming out and giving us their input. I know how tough it is to speak up here. OK let's move on.

Subdivision Land Development Items

None

Zoning Items

None

Comprehensive Plan Item SC 2000-07

(Man) Mr. Chairman, just a question for a point of clarification. Did we just hold both public hearings on the zoning ordinance?

(Man) Yes we did.

(Man) And the Math amendment (?) combined?

(Mr. Chairman) Yes that was addressed before you came. We should have said something to you, I apologize.

(Mr. Chairman) Lee, you have Royal Self Storage?

(Lee) This was before you two weeks ago and there were several concerns that you raised. Let me just go over the concerns raised two weeks ago. One had to do with mechanical equipment on the roofs and the applicant has agreed to eliminate any mechanical equipment on the roofs. What I did, I also gave you a draft motion and that is handled in condition 8 in the draft motion. The next one was the height of the units and the applicant added a note to the plat that limits the height of the storage units to 20 feet. So, that condition is taken care of. The applicant also agreed to there was a question about fencing and two attachments in here, he has agreed to utilize fencing similar to one of those two attachments. Another had to do with the type of roof – A-frame versus flat and the applicant has agreed to use an A-frame type roof and that is in condition over 9 of the draft motion. He also added a few canopy trees on the plat along the Rt 15 frontage. Mr. Kennedy asked for a little bit more landscaping so right by the fence line along the bypass ramp he added a few more canopy trees. He wasn't willing to commit to a color scheme or façade treatment just yet. One thing what I did was took a look at the surrounding properties. My last condition says the storage units shall have an architectural treatment that is compatible with the neighboring motel. That's the back of

the Farm Credit building which will be in front of these units. As a matter of fact the caretakers house for the storage units will be right behind there. So, you can see that it is made of brick on the bottom and siding on the top. The building to the left you can see is brick construction. If you look at the motel, that's the face of the motel that faces the mini storage units. Again that's brick construction. The other thing I looked at were some of the self storage units in town right now. This one here is under construction on Trail View Blvd. It's using a spit face concrete block along the front and it's two different colors of split face block – one being a dark gray and the other being a light gray. The one thing that the applicant is willing to commit to is not to use sheet metal siding. If you look to the far right of the picture where the garage doors are going across the rear face of that building. That's sheet metal construction above. This one here is a two-tiered storage unit. The sheet metal goes above the actual garage doors and from the top of the doors to the top of the second story is going to be sheet metal construction. The applicant is willing to commit not to use sheet metal construction. This one here, Shuregard on Lawson Road, the construction on that is concrete block and it is just painted concrete block. The caretaker unit is made of brick on the top of the units there. In this one here is Fort Knox self-storage on Gateway Drive. You can see the caretakers building is made out of brick. The very side of the structures are made out of brick and the face of the buildings with the garage doors, primarily its just garage doors and then some sheet metal in between each one of the garage doors. I just wanted to give you an idea of the construction in the area and what kind of construction is around the perimeter.

New tape

This preferences re the architectural tream(?) of the storage units shall have a masonry finish. That's the preferred language that the applicant would like to use in that condition. Two weeks ago, I mentioned to you tonight that you would have to act on this application. Something unusual has just came about that I found out and I even gave the applicant signs posting the cites for a public hearing date of October 24th and that's when it was initially to be scheduled. Because of the holiday this coming Monday those Council meetings have been dropped a week, so the public hearing is scheduled for October 31st. What that does it gives you an opportunity to take a look at this in two weeks. Let me go to Steve Chinnh's concerns - the first being the buffer yard. If you take a look at your plats, the unit going across by the rear face of Wolfor & Chinnh's property, you can see how those units are a little deeper there then they are in area number 3. So, should the Planning Commission want to add the condition 20 ft buffer yard extend all away across there we can easily add that condition. I haven't had a chance to talk to the applicant about that condition just because it came up tonight. Again with the entrances, I loved to defer to Paul Gauthier but he's studying law tonight. I can either recraft the conditions, particularly condition number 10 after you discuss that issue along with the buffer yard condition. The entrance condition I don't have an answer for that tonight. I'd really like to talk to Paul Gauthier to see if any rearrangements can be made in those entrances to appease both the applicant and then the neighboring property owned by Wolfor and Chinnh. Any questions?

(Woman) I'm not sure their questions. I'd like for you to have time to talk to Mr. Gauthier, I respect his opinion on that and come up with a creative way. I see there's numerous things that he's done to address the things we all talked about including some things Charlotte talked about. The only thing that continues to educate me, is there is no architectural control over this both in color, materials, whether cinder block, except for this sheet metal, he agreed not to use. Does that happen at some point, is that us, is that somebody else and if not, it does bother me because I don't know what the heck it is going to look like and what's going to be built.

(Lee) Right. The special exception criteria talks about using the comprehensive plan as a guide when you're reviewing the special exception. The comprehensive plan talks about compatibility between adjoining properties. What I try to do in condition number 10 is, my original thought was the storage unit shall have an architectural treatment that is compatible with the neighboring motel. The neighboring motel is brick. When I think of brick I think of a hard surface brick split faced block. The applicant verbally informed me he will not do sheet metal such as you saw in the one product.

(Woman) I guess I understand that. Do we eventually get to see that before its actually constructed or does he just make the decision and constructs what he liked – with broad interpretation that be compatible with the surrounding.

(Lee) He certainly has the opportunity if he feels comfortable locking himself into a particular style at this time. It's his discretion, but one critical thing to think about is, I don't know how many years ago, but there was discussion of putting a H2 corridor along the bypass and at that time there was a conscious decision by the Council not to put the bypass subject to the H2 overlap district.

(Woman) This would have come under that had that happened?

(Man) Had that happened.

(Lee) Right, then I think if the H2 overlay was here I would say that you have the authority to talk about color schemes.

(Woman) You've answered my question. We don't necessarily have the authority to do that. I guess what I'm more concerned about is not what it will look like but what it shouldn't look like and I can think of materials that I don't want it to have more than I can say what I want it to be. I want to clarify that if I may. I thought because this is a special exception that that does give us the authority. This is a special exception.

(Woman) One of the recommended special exceptions under the zoning.

(Woman) I'd really like that clarified.

(Man) I think your correct but let's move on down here. Lyle did you have anything else?

(Woman) Along those same lines as construction of the residence and that's why I keep asking about that. Generally from what we've seen, there of a different look and nature than the storage buildings themselves and certainly want that to at least be superior to or even the same if the original product is good. That's all.

(Kennedy) Mr. Chinh's points are extremely well made and I look forward to meeting with Paul also to hear what he has to say on this. I would like to thank the applicant. I notice that's added a few extra canopy trees on the plat near the rear fence adjacent to the bypass even though the town does have an arborist and sometimes he can have too many trees. I was delighted to see that. Thank you very much.

(Chairman) Point well taken Mr. Kennedy. Cliff. Kristen

(Kristen) Just a couple of points. I want to thank the applicant for putting in a ten foot separation in the long skinny building. The long massive one continues as it was originally. Lee correct me if I'm wrong did Bill Soltesz's project, the mini warehouse project, was it Leesburg Green? Did that require a special exception?

(Lee) Yes

(Kristen) What were the conditions on that because my impression was that was going to be architecturally very nice and I just wonder what conditions were put on that, if any, or if everything Mr. Soltesz did he agreed to do on his own.

(Lee) Let me pull that application and I'll include those conditions in your package.

(Chairman) I'm a little concerned about what Lyle was suggesting. I don't know we would need to move towards asking this applicant to adopt the rules of the BAR and I don't think that there would be anything that would take place that would be detrimental to the town as far as the appearance of this storage at any time that he or his family has ever had it in their hands. I just concern myself about what the appearance might be twenty, thirty years down the road as to what someone might do, paint the color, color schemes. So, I just have some concerns about that and I've expressed them to the applicant earlier, but I don't know where to go with that. I'm just kind of leaving that open right now.

(Kitty) Mr. Chairman, I would like to ask that the Planning Commissioners before they decide on this application drive 15 bypass and look up to your right when you pass Sycolin Rd and look what you see. Lee has shown us a very attractive picture of that storage unit which is face on. From the bypass it's very unattractive and if you drive through Vanderbilt and drive through those townhouses and you look at that storage facility you will see what a storage facility will look like two drive-by views. I went up the ramp on Rt 7 to see what you could see and I would be very distressed if this particular building did not comply architecturally with the town. The fact that it will be signed and he will have the right to have a sign on that and he's going to want people to

see that sign because it's a commercial endeavor and I would too. However, I'm not convinced that that's the kind of property that we should have on one of the entrances to the town even though it is a very commercial area so before you make a decision, please drive by these other units and I think that Kristen's point if I remember correctly, however though, I think Mr. Soltesz did all that voluntarily.

(Woman) Which property

(Woman) Leesburg Commons is the ground or used to be and its seven east and its right past

(Chairman) You know where the Honda dealership is.

(Woman) Yea

(Chairman) Do you know where Weichert is. Just down beyond that.

(Woman) The building isn't up yet.

(Woman) I attended your meeting and I know what your talking about now.

(Man) The new Shenandoah University building is being built there. Behind that is where this storage is going to be,

(Woman) Didn't he architecturally commit to a number of things.

(Woman) That is my recollection.

(Lee) One thing to keep in mind, that was in H2.

(Woman) He is in H2 like you said

(Chairman) There is a difference.

(Woman) As I said at the last meeting, I did ...

(Woman) Let me clarify something. I didn't think the storage facility is back 500 ft. Its beyond 500 feet isn't it Lee? I don't believe it's in the H2. His front building is in the H2, but I do not believe that that back building is in the H2. That's why we did ...

(Woman) And the storage facility is camouflaged by a building of some other kind in front.

(Woman) That's correct.

(Woman) Now, Kitty the other place you were talking about visiting from the bypass, is that the place that sits up the hill near on the corner of 7 and Sycolin Road?

(Kitty) If you go by the bypass and look up

(Woman) You just go by those apartments and you look up

(Kitty) You will see a big sign that says public storage and you'll see a long building and the other thing I would encourage you to do is go up Gateway drive and go left into Vanderbilt and drive through the little subdivision and on one side where they have green space you see a huge almost football long building that is not very attractive, and its just because there is only so much you can do with a storage facility.

(Woman) I know the places you are talking about.

(Woman) The front view is beautiful but the people who live there and when you go on the bypass it is not that attractive.

(Woman) At the last meeting I stated that I had visited this site and I've done it twice and I have been on the bypass and have seen it, so I do know what it looks like. I kind of agree with you, I have to say, but I'll be honest. One part of me agrees with you and the other part of me goes where the heck do you put these things at, just to be honest. There a necessity of life. They have to be somewhere. It seems like the least obtrusive places are on interstate looking places. They don't have access. You look over and see them. You kind of half way expect that from a ramp or although the bypass isn't an interstate by any means, but there's limited access there is what I'm saying. I don't know the appropriate place where you do stick them.

(Woman) I think to answer that question, this is a B2 district, am I correct?

(Lee) Right.

(Woman) We have I1 districts. Industrial districts. In the one picture that he showed you for the one that has the split concrete face is I believe is in an I1 district. I think that is a very compatible use in an I1 district.

(Chairman) Going back on that road I don't see an issue on that road myself and I've looked at it on the bypass and I don't see it to be an issue on the bypass. Like you say, its right on the loop.

(Woman) And I have to tell you the tennis club next to it from the bypass is no pretty picture.

(Woman) It's not orange.

(Woman) I agree with you and I've already expressed by concern whether its orange or blue.

(Woman) I'm not saying the applicant would paint it orange but any bright color there.

(Chairman) OK Lee where are you on this? There was a lot going around here.

(Lee) I would suspect that you don't want to vote on it tonight. What I'll do is it will come back to you in two weeks. The two things I need to address is the buffer yard issue with the adjoining property owner, the entrance issue with the adjoining property owner and my guess your real focus is what is this thing going to look like.

(Chairman) Let's take a poll here so we know whether or not we are pointing in the right direction. Kitty, do you have any concerns?

(Kitty) Actually, I have several concerns as for the proper use of the site because it is a special exception and I understand that. What can we require, I have to think about appearance and I think that says it all.

(Larry) Well, my concerns relate to the fact that this is in-fill. I'm looking at the in-fill land use policies in the town plan. So I have a very serious concern whether this really is the type of use we want in the in-fill area. I'm looking at all the criteria that relate to the special exception that are set forth in the zoning ordinance, so I have a concern about noise, size, set-backs, things of that nature. I'm looking at the compatibility land use tables in the town plan and I have a real I think its been said real well by Commissioner Kearns as to whether this particular use in this particular location given our in-fill land use policies is appropriate.

(Woman) I would echo what Kitty and Larry both said.

(Kennedy) If life were sin(?) city, I would be in total agreement but I think that what Commissioner Warner said pretty well on the mark of Northern Virginia housing so limited, we have to have these things. It's a case of where. We can't just look at the applicant and say well you own this piece of land where you promised to plant more trees on by the way, thank you very much. We just don't like it there. I have a problem with that. I support the application as it stands. Thank you very much Mr. Chairman.

(Chairman) I just want to make a comment. I think it's a good location for it. I think of I1 being on Rt 7. I don't want to be looking at a storage facility complex or warehousing along Rt 7. I have a real deep concern about that. I want the gateway to the town to look beautiful, impressive. Warehouses not it. I look at this as being a good in-fill, good location and I just wanted to let you know how I feel.

Thomas Chamberland wants more from two weeks ago. I would like to make a comment which may address some of the concerns of the Commission in the sense of this may not be the right place for it. Number one, when you go up the ramp off 15 onto Rt 7, there is

very heavy growth that is between this property and the ramp and then there is the 20 foot easement that the city maintains for the water main. Obviously, there is a very limited viewing ability coming up that ramp. In addition, this plan calls for considerably more screening along the ramp on my side on the property side of the water main. I truly will tell you, I see no way that those buildings are going to be visible even in the winter time. They are going to be screened from any observation coming up that ramp. It isn't going to destroy. I hate to tell you this, but I've owned, I'm a part owner of the tennis building to which we refer. These buildings will be a lot more beautiful than the tennis building. I will tell you that.

(Woman) I apologize.

(Camberland) I don't want to make that an issue. I would like to tell you that I am going to own the office building on the front on Fort Evans Road and the other office building and/or commercial building. I am not going to build something in the rear in the sense of mini storage that in any detracts from what I'm going to present on Fort Evans Road. I have trouble grasping the problem in the sense that it will be more important for me, perhaps even than to the Planning Commission as to what they look like. I admit they're centered. They are focused to the interior, and that's for security purposes. That will be done. I intend to put a screened fence around it or a security fence. The fence that Lee presented I have no problem with. I have built one recently and I intended (?) and did not succeed in bringing you a picture of it. It simply has arrowheads on top of it. It makes it more difficult to scale. I don't want people climbing the fence that is on here. It is very easy to climb the way it is. I want the arrowheads on top so if you do try it you might hurt yourself. I really do. So, security to me is important. The lighting is interior focused. Everything that I get from staff has been encouraging to the use. I think that it's an excellent location for the use. I did try to address the long building and broke it up for you. In that regard, I think the screening because there is 22 or 23 ft along there, that building is not going to be visible, even from the motel. The motel has no screening. They didn't provide it because they were built prior to it. Today they would provide some screening. I'll keep coming back if that's what you want, but truly, it is as important to me that the storage facility portion of this project be compatible with everything in the neighborhood. Therefore, I'm perfectly willing to build it out of masonry. It's my intention. I have never had steel frame construction or steel siding construction in mind. I wouldn't have done it that way. And I think it will be compatible and not unattractive nor visible in any way that would be discouraging to the appearance, the general appearance. I think it is important to make and I told you that I think in twenty years I probably will not be actively engaged in operating it, but I think my family will. I fully intend it to be a project that passes on. So it is important to be how it looks, how it operates and the function of it. I would request approval and move on so it be moved to the Council. Anything else that I might answer?

(Woman) Actually I do have a question. You said that you built one recently. A storage facility recently.

(Chamberland) No, I was talking about a fence.

(Woman) Because I was going to go look at it.

(Chamberland) No, office buildings and town houses. The fence happens to be around the town house, its in Arlington. It does have the spear type projections which are about eight inches above the top railing and I would intend to put that on here because I don't want people to (?), maybe it would be fun to run in see what we can find.

(Chairman) We have a motion here and I guess the question is are we in position to and wish to move this on?

(Woman) Mr. Chairman, I heard the applicant say that he was intending to do masonry construction. That kind of solves one of my concerns, major issue.

(Woman) Excuse me, masonry can be painted. It can be cinder block. He didn't say brick.

(Woman) You have to understand that's was masonry means. It means a lot of different things. It could be tilt-up concrete walls. It does not mean brick. I mean as long as you know that.

(Chairman) We had a lot of questions we have asked staff to look into. The public hearing is on October 31st.

(Lee) Yea, the Town Council Public Hearing.

(Chairman) We'll have our meeting before that, is that correct? So, we'll be able to resolve the issues or move it on at the public hearing. I guess the motion's here and the applicant has asked that we move on this motion. In all fairness, I want to go down the line here and see whether or not we feel its ready to be moved on.

(Woman) I have some questions I'd like answered first.

(Larry) I think its reasonable to have the questions answered because nothing is going to happen any faster in moving this to the Council whether we vote tonight or two weeks. It doesn't change anything. It's going to arrive at the Council at the same time to be heard by Council at the same time and acted on at the same time.

(Chairman) I agree with that and I just wanted to run it by all of us so that we're all in agreement.

(Larry) I'm fine with waiting two weeks.

(Woman) I agree. Lieberman/Chaney, I got to get out of here.

(Kennedy) I'm ready to vote it tonight but I agree with Larry's reasoning sounds fine.

(Woman) I agree, I will wait.

(Chairman) OK, we will go ahead and postpone this until we get more information at the next meeting and you'll have comments from Paul and what not. And, we'll vote on it at that time.

Old and New Business

(Woman) Mr. Chairman, is there a reason to hurry? Are you going to go to old and new business real quick because I have something I want to get off the (?) Let me give these to you please under new business. This is called the New Urbanism in the New Millenium. It's a great article from the Urban Land Institute. I'd like everyone to have it. I hope you enjoy it as much as I did. It'll make you think.

(Lee) Before everyone leaves, I need to hand out a (?). Its an information item. It's not for CINPAC (?), but Loudoun County Public Schools wants to put up their maintenance shop and I just have to let you know that we have approved this.

(Chairman) This was the maintenance shop out of Sycolin road? What's going to happen with that maintenance shop at the high school? It's not important. My concern is what the old facility is going to be used for.

(Lee) I pass that question to Mr. Colster.

(Colster) I'm Bill Colster, director of facility services. At this time, there is no final decision on what is going to happen to the maintenance shop. It is currently being used as storage. Actually, we're still trying to work out of it, even though we can't park over there anymore. We see it being used as storage at least in the near future.

Mr. Kennedy asked for a motion to adjourn. It was moved and second. The motion passed. The meeting adjourned.